

Senate Amendment 5332

PAG LIN

1 1 Amend the amendment, S=5312, to House File 2302, as
1 2 amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 28, by inserting before line 42 the
1 5 following:
1 6 1 7 LICENSEE == GOVERNMENTAL OPERATING AGREEMENT.
1 8 1. Notwithstanding any provisions of chapter 99D
1 9 or 99F to the contrary, a licensee of a racetrack
1 10 enclosure within Polk county shall enter into a
1 11 governmental operating agreement with the county board
1 12 of supervisors of the county consistent with the
1 13 requirements of this section by July 1, 2004. If the
1 14 licensee fails to enter into an agreement as provided
1 15 by this section, the racing and gaming commission
1 16 shall not renew or reissue licenses to conduct pari=
1 17 mutuel wagering and gambling games for the applicable
1 18 licensee. The governmental operating agreement
1 19 required by this section shall not be in lieu of any
1 20 other operating agreement between the licensee and
1 21 county except to the extent any other agreement is
1 22 inconsistent with the agreement provided for by this
1 23 section.
1 24 2. a. The governmental operating agreement shall
1 25 provide that the licensee pay the applicable county an
1 26 amount of money, by July 1, 2004, which amount shall
1 27 be equal to the following:
1 28 (1) One-half of any judgment or interest that
1 29 would be due or owing as of July 1, 2004, if the
1 30 licensee would be awarded a refund pursuant to the
1 31 litigation entitled Racing Association of Central Iowa
1 32 v. Fitzgerald, cited at 675 N.W.2d 1 (Iowa 2004),
1 33 hereinafter referred to as the applicable litigation.
1 34 (2) One-third of any amount of money of any
1 35 additional tax paid by the licensee that is held in
1 36 escrow and not distributed as of July 1, 2004, if such
1 37 additional tax due from such licensee would have been
1 38 ultimately deemed owing pursuant to the applicable
1 39 litigation.
1 40 b. The governmental operating agreement shall
1 41 provide for the repayment by the county of the amounts
1 42 paid by the licensee to the county if the refund is
1 43 ultimately deemed not owing and the additional tax is
1 44 deemed owing by the final decision in the applicable
1 45 litigation.>
1 46 #2. Page 29, by inserting after line 37 the
1 47 following:
1 48 <____. The section of this Act providing for a
1 49 governmental operating agreement for the Polk county
1 50 racetrack enclosure licensee, being deemed of
2 1 immediate importance, takes effect upon enactment.>
2 2 #3. By renumbering as necessary.
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2 6 MATT McCOY
2 7 HF 2302.534 80
2 8 ec/pj